

SENATE BILL No. 438

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-43-6-13.

Synopsis: Home improvement fraud. Allows a Class D felony to be imposed in cases of home improvement fraud relating to the formation of a contract in which: (1) the contract price is more than \$7,500; or (2) the contract is unconscionable, the contract price is at least \$4,000, and the victim is at least 60 years of age. Allows a Class C felony to be imposed in all cases of home improvement fraud relating to the formation of a contract in which the contract price is more than \$10,000, regardless of the age of the victim.

Effective: July 1, 1999.

Merritt

January 13, 1999, read first time and referred to Committee on Corrections, Criminal and Civil Procedures.

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Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

SENATE BILL No. 438

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 35-43-6-13 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 13. (a) The offense in
3 section 12(a) of this chapter is a Class A misdemeanor:
4 (1) when the home improvement contract price is one thousand
5 dollars (\$1,000) or more;
6 (2) for the second or subsequent offense;
7 (3) if two (2) or more home improvement contracts exceed an
8 aggregate amount of one thousand dollars (\$1,000) and are
9 entered into with the same consumer by one (1) or more suppliers
10 as part of or in furtherance of a common fraudulent scheme,
11 design, or intention;
12 (4) if, in a violation of section 12(a)(5) of this chapter, the home
13 improvement contract price is ten thousand dollars (\$10,000) or
14 less;
15 (5) if, in a violation of section 12(a)(6) of this chapter, the home
16 improvement contract price is more than one thousand dollars
17 (\$1,000); or



(6) if, in a violation of section 12(a)(1) through 12(a)(4) of this chapter, the consumer is at least sixty (60) years of age, and the home improvement contract price is ten thousand dollars (\$10,000) or less.

(b) The offense in section 12 of this chapter is a Class D felony:

(1) if, in a violation of ~~section 12(a)(5)~~ **section 12(a)** of this chapter, the home improvement contract price is more than ~~ten~~ **seven thousand five hundred** dollars ~~(\$10,000); (\$7,500);~~

(2) if, in a second or subsequent violation of section 12(a)(1) through section 12(a)(4) of this chapter, the consumer is at least sixty (60) years of age and the home improvement contract price is one thousand dollars (\$1,000) or less;

(3) if, in a violation of section 12(a)(5) of this chapter, the consumer is at least sixty (60) years of age; ~~and the home improvement contract price is ten thousand dollars (\$10,000) or less;~~ and

(4) if, in a violation of section 12(b) of this chapter, the consumer is at least sixty (60) years of age.

(c) The offense in section 12(a) of this chapter is a Class C felony:

(1) ~~if, in a violation of section 12(a)(1) through section 12(a)(4) of this chapter, the consumer is at least sixty (60) years of age and the home improvement contract price is more than ten thousand dollars (\$10,000);~~

~~(2)~~ if, in a violation of section 12(a)(1) through section 12(a)(4) of this chapter, the consumer is at least sixty (60) years of age, and two (2) or more home improvement contracts exceed an aggregate amount of one thousand dollars (\$1,000) and are entered into with the same consumer by one (1) or more suppliers as part of or in furtherance of a common fraudulent scheme, design, or intention; and

~~(3)~~ **(2)** if, in a violation of ~~section 12(a)(5)~~ **section 12(a)** of this chapter, ~~the consumer is at least sixty (60) years of age and the home improvement contract price is more than ten thousand dollars (\$10,000).~~

SECTION 2. [EFFECTIVE JULY 1, 1999] **IC 35-43-6-13, as amended by this act, applies only to offenses committed after June 30, 1999.**

